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SUBJECT: NICARAGUA'S 2007 TRAFFICKING IN PERSONS SUBMISSION

REF: A. 06 STATE 202745
[1](#)B. 06 MANAGUA 02717
[1](#)C. 07 MANAGUA 00542
[1](#)D. 06 MANAGUA 02716
[1](#)E. 06 MANAGUA 01898
[1](#)F. 06 MANAGUA 02715
[1](#)G. 07 MANAGUA 00357
[1](#)H. 07 MANAGUA 00583

[1](#)1. (SBU) Summary: During the April 2006 to March 2007 reporting period, the Nicaraguan government continued its efforts to combat Trafficking in Persons (TIP) mainly in the areas of prevention and detection, while progress in victim assistance and prosecution of traffickers was limited and overall results were mixed. While the National Assembly approved legislation criminalizing trafficking in persons and other forms of sexual exploitation, the law is not in force yet, in large part because Nicaragua's November 2006 elections diverted the Assembly's attention elsewhere for months, delaying the legislature's passage of the penal code.

An overall lack of awareness and understanding of the trafficking in persons phenomenon continues, as well as a serious deficit of data collection and registration of trafficking cases by law enforcement authorities. Resource constraints, slow pace of judicial reform, the ongoing debate over the penal code, lack of border security, weak immigration controls, insufficient coordination of efforts, the focus on the 2006 presidential election, and changes on the political front have kept the issue of trafficking on the back burner. While it continued to make a good faith effort to combat trafficking, the Government of Nicaragua (GON) has not moved significantly beyond noting a policy and plan on paper, to improved, concrete results. Arrests and prosecutions of trafficking cases were limited, marking little progress from last year. However, the GON made strides in terms of providing anti-trafficking training of government officials and dissemination of public awareness information through programs financed by outside donors, non-governmental organizations (NGOS), and UN organizations.

[1](#)2. (SBU) Summary Continued: As the second poorest country in the Western Hemisphere, Nicaragua suffers from severe resource shortages and weak institutions. Nevertheless there were positive signs that the outgoing Bolanos government made a concerted effort to comply with international anti-trafficking standards. It is too soon to tell, however, whether the Ortega government, which assumed office January 10, 2007, will uphold the previous government's commitment.

Traffickers, ability to operate with impunity and infiltrate the country's incipient tourism industry has continued to pose a challenge. Civil Society and international organizations have played an instrumental role in increasing government attention to the problem of trafficking. Despite the existence of a National Coalition against Trafficking in Persons, an apparent lack of coordination among separate government ministries and law enforcement agencies continues to limit the GON's ability to seriously address the issue of trafficking on a national scale. End Summary

The information provided below is keyed to Reftel A paragraphs 27-31.

Overview of Nicaragua,s anti-TIP Activities

13. (SBU) Paragraph 27 A. Nicaragua is a country of origin, transit, and destination for trafficking in persons. While there is little evidence that victims of other nationalities are trafficked into Nicaragua, the country is a source of both internal and external trafficking. According to government and NGO sources, sexual exploitation is the primary end use for trafficking in persons originating in Nicaragua. Internal trafficking of Nicaraguans for sexual exploitation is a growing concern. As reported in last year,s report, during this reporting period, there was some evidence that internal labor trafficking was taking place, where children were lured to urban areas to work as domestic household help or in restaurants but then exploited for forced labor. The government, however, for the most part does not recognize internal labor exploitation as a form of trafficking, although there is evidence that internal trafficking of children to work as unpaid domestics takes place.

14. (SBU) Paragraph 27 A. Continued: The vast majority of cases in Nicaragua involve women and girls trafficked for the purpose of sexual exploitation. The main groups at risk are young women and children from poor, rural areas, victims of domestic abuse and sexual violence. Children and women from the ages of 13 to 25 years of age are deemed the most vulnerable, although there were cases of girls as young as 11 being trafficked during the reporting period. Poverty, illiteracy, lack of economic opportunity, vast areas of unpatrolled land along the Atlantic coast, porous borders, and geographic location, contribute to making Nicaragua the principal source of trafficking victims in Central America.

15. (SBU) Paragraph 27 A. Continued: El Salvador and Guatemala are the main destination countries for Nicaraguan trafficking victims, largely due to CA4 agreement between Nicaragua, El Salvador, Guatemala, and Honduras. Citizens and residents of these countries are only required to show their cedula (national identification cards), to cross the borders between these four countries. Passports are not required. Foreigners are subject to passport checks at the borders, but only receive a single entrance stamp at the initial Point of Entry. In addition, the C-4 members share watchlist information on a weekly basis. Victims were also trafficked to Costa Rica, Mexico, and the United States, and were trafficked internally. There was also a media report of a 28-year-old female who allegedly was trafficked to Spain.

16. (SBU) Paragraph 27 A. Continued: The sources of information include the National Coalition for Trafficking in Persons (NCATIP), Ministry of Government, Immigration Service, the Public Ministry, Ministry of Family, National Police Special Crimes Unit, media, and non-governmental organizations. There were gaps in the information provided, and some of the reporting was inconsistent. Attempts to contact the government's National Council for the Integral Attention and Protection of Children and Adolescents (CONAPINA) for information in time to complete the report were unsuccessful, as the agency is undergoing an organizational change and will possibly be folded into the Ministry of Family. Credible data on the number of trafficking cases was difficult to confirm.

¶7. (SBU) Paragraph 27 B. As reported in last year's submission, traffickers primarily used fraud, coercion, or deception to recruit victims, offering false promise of more lucrative employment outside the country as domestics, nannies, waitresses, models, and appear to be infiltrating the country's incipient tourism industry. Some traffickers lure children with offers of gifts, new cell phones, or food.

As part of their modus operandi, traffickers used travel, model, and employment agencies as front companies to recruit victims. Some of the classified ads in newspapers seeking workers of a certain age & with no experience, 8 casting calls, or offers for special excursion tours are, according to the Public Ministry, another recruitment technique. Most internal TIP cases involved poor rural women and girls being drawn to major urban centers to work as prostitutes, although the adult prostitutes found working in nightclubs and massage parlors are from both urban and rural areas. According to the police, the types of businesses where prostitution is most common are casinos, night clubs, discos, beauty salons, and massage parlors.

¶8. (SBU) Paragraph 27 B. Continued: The connection between trafficking and tourism appears to be on the rise, according to media and government reports. Increased interest in Nicaragua as a tourist destination, combined with the availability of out of school children and unemployed adolescents from poor and rural communities, and lack of impunity in the justice system, create conditions conducive to trafficking of minors for sexual exploitation.

Traffickers are able to take advantage of the increase in tourist excursions and travel packages, for example, as a means to transport victims in the open by bus. They also used networks of unregulated taxi drivers to assist with the transportation. According to Casa Alianza, traffickers do not need to use clandestine methods to smuggle victims; they are able to operate freely using regular public and private transportation services.

¶9. (SBU) Paragraph 27 B. Continued: In addition to the prevalence of children and adolescents along the Panamerican Highway who are being recruited by traffickers and taken across the border to work as prostitutes in bars and night clubs in other Central American countries, they are also visibly present in parks in tourist towns like Granada, in ports along the Atlantic and Pacific, and in the principal streets of Managua.

¶10. (SBU) Paragraph 27 B. Continued: Quantifying the exact number of girls, boys, and adolescents who are victims of commercial sexual exploitation and trafficking continued to be difficult. The National Coalition Against Trafficking in Persons, the Special Investigations Unit of the National Police, and the Public Ministry all reported 21 cases of trafficking during 2006, 95 percent of the victims were female, 62 percent ages 13 to 17, and 38 percent over the age of 18. While there is little information available on male victims, there was anecdotal evidence of boys being trafficked to Costa Rica, probably for labor exploitation.

¶11. (SBU) Paragraph 27 B. Continued: Another development that both NGO and government officials reported was that traffickers were preying upon and encouraging individuals traveling alone seeking employment outside the country, and often approached potential victims at public bus stations. To encourage adolescent girls to travel alone, traffickers offer assistance with preparation of documents with false identities. Another trend that stood out is that traffickers may be targeting victims over the age of 18 because they are seen as less likely to draw the attention of the authorities.

¶12. (SBU) Paragraph 27 B. Continued: According to the National Police, the Nicaraguan Center for Human Rights, and other NGOs, trafficking in persons is associated with organized crime rings that are allowed to operate with impunity. Some government sources were more inclined to suggest that the traffickers are individuals working alone

and did not demonstrate a clear understanding or awareness of who was behind trafficking. The National Coalition indicated that the government policy is to combat organized crime & in all of its manifestations.⁸

¶13. (SBU) Paragraph 27 B. Continued: The Special Prosecutor for Children and Adolescents reported that women prostitutes and brothel owners are involved in the recruitment of potential trafficking victims. According to government sources, female prostitutes, drug addicts, and alcoholics help traffickers with the recruitment of young women and girls. (Comment: Since women do not fit the cultural stereotype of a trafficker, they are more likely to evade standard detection methods and practices, particularly with the transport of children and adolescents. End Comment.)

¶14. (SBU) Paragraph 27 B. Continued: The National Police reported that the increase in sexual exploitation of children is happening in the open in border towns and tourist destinations, yet they have no reported cases of sex tourism during the 2006 reporting period, probably because the people involved are afraid to denounce. Under the law, anyone can denounce crimes of trafficking and sexual exploitation. Paragraph 27 B. Continued: Reports of a possible connection between trafficking and illegal adoptions also came to the attention of the Embassy, and will be discussed in the section on corruption below.

¶15. (SBU) Paragraph 27 C. Although the GON has demonstrated political will to address the problem, and has launched a number of effective communications campaigns, it is severely limited in its ability to address the issue in practice given serious resources constraints, insufficient training, overall corruption, and much looser immigration controls between the borders of Nicaragua, El Salvador, Honduras, and Guatemala as a result of the CA-4 agreement. The GON's anti-TIP program is particularly weak in terms of victim's assistance and protection, investigation of trafficking instances, and in the prosecution of trafficking offenders.

¶16. (SBU) Paragraph 27 C. Continued: According to the Nicaraguan National Police Special Crimes Unit, the main impediment to its anti-TIP efforts was the lack of financial resources. There is also a lack of reliable statistical data on the number of victims and the true magnitude of the problem. The National Police do not have the necessary means to identify traffickers or organized criminal entities who police suspect are using more sophisticated technology increasing difficult to detect. According to an NNP report issued in late 2006, traffickers are rarely arrested and almost never prosecuted, since the penalties imposed for trafficking in persons are lenient when compared the penalties imposed for drug or arms trafficking.

¶17. (SBU) Paragraph 27 C. Continued: The GON, through the inter-agency National Coalition Against Trafficking in Persons (NCATIP), developed a plan of action which was reported in last year's submission and made an effort during 2006 to outline specific steps to improve the response to this social scourge, with an emphasis on capacity building and strengthening human resources; investigating cases; transforming the judiciary and psychosocial spheres; facilitating the process of repatriation; improve surveillance mechanisms; establishing a database, creating a communications strategy for dealing with human trafficking; and, developing "Inter-institutional Conventions of Cooperation." Another goal was to establish a system for registering trafficking incidents, and to promote social research. In reality, while the plan denotes a commitment to the issue, the GON has not set aside budget for anti-trafficking activities, nor does it possess the necessary funds for adequate victims assistance and shelters, technology upgrades; and, capacity building for law enforcement personnel and judges. The Managua shelter established by the Ministry of Family is the only government-run shelter to provide for at risk children and youth, and is not properly staffed or equipped to deal with trafficking victims, nor is it available to assist victims

over the ages of 18.

¶18. (SBU) Paragraph 27 C. Continued: By the NCATIP,s own admission, the leading organizations responsible for anti-trafficking actions--the National Police, Department of Immigration, Ministry of Foreign Affairs, and Ministry of Family are extremely limited in their ability to provide adequate assistance for victims, and rely on the help of NGOs with expertise in the trafficking in persons phenomenon, as well as foreign assistance programs such as USAID, UNICEF, and others. The NCATIP and Ministry of Government expressed regret that despite attempts to streamline lines of communication, efforts were stymied by a lack of coordination and integration. The Nicaraguan government relies on the efforts and resources of the NGO community to compensate for the state,s inability to provide services, especially those involving victim,s assistance and protection.

¶19. (SBU) Paragraph 27 C. Continued. The Vice Minister of Government under the Bolanos Administration, Deyanira Arguello, pledged the government,s commitment to fighting trafficking (Ref. B), but was skeptical of the new Ortega government,s ability to tackle the problem. The current Minister of Government Ana Isabel Morales, also promised to intensify the government,s efforts to combat the problem of TIP, but reiterated serious resource limitations prevented the government from taking all necessary actions to defeat this "social scourge." She informed Embassy officers of her intention to submit a proposal for a state-run shelter at the PRM and DHS/CIS Regional Conference on Migration in New Orleans in April 2007.

¶20. (SBU) Paragraph 27 C. Continued: Despite sincere expressions of political will, much of the government,s commitment to eliminate trafficking remains on paper. In addition, as the law is written, individuals involved in transporting victims are difficult to prosecute.

¶21. (SBU) Paragraph 27 C. Continued: While the GON pledged its commitment to increasing coordination among agencies, it largely relies on international organizations, NGOs, and outside funding to implement programs. The GON,s response to trafficking was related to increased civil society pressure against child pornography, sexual exploitation of minors, and spread of transnational crime rings. Such efforts to change the legislation, however, had more to do with the outcry over child pornography and sexual exploitation of children and minors, rather than to an increased awareness or understanding about the magnitude of the trafficking in persons phenomenon.

¶22. (SBU) Paragraph 27 C. Continued: Cultural and class prejudices present another obstacle. NGOs, civil society, and the Public Ministry all complained judges and police investigators lack proper training and an understanding of TIP as a human rights concern. There is a cultural bias against trafficking victims who are often perceived as the guilty parties and treated as ignorant "vagabonds." This cultural insensitivity has permeated the psyche of the trafficking victims themselves who refuse to cooperate with the police when they return because either they do not understand that their rights were violated, or because they believe that they were at fault and are ashamed of the stigma after being repatriated and returned to their communities. According to the International Organization of Migration (IOM), many of the victims who are repatriated and returned to abusive situations without receiving any therapy or intervention are vulnerable to being re trafficked. The victims, unwillingness to denounce their captors combined with the lack of training for judges and local prosecutors are factors that could explain the dearth of actual trafficking prosecutions.

¶23. (SBU) Paragraph 27 C. Continued: Overall corruption in the Nicaraguan political and judicial system is another obstacle that undermines the GON,s ability to deal effectively with the problem, and will be discussed in greater detail below.

¶24. (SBU) Paragraph 27 D. The National Coalition Against Trafficking in Persons has made efforts to coordinate actions by distinct agencies. However there is no systematic review of anti-trafficking efforts. The Coalition does not periodically provide assessments of anti-trafficking efforts and much of the reporting on government activities is provided through NGO channels. Although the NCATIP lists the establishment of a monitoring capability and development of a database as a priority goal, the government lacks a capability to systematically monitor data, and does not have the funds necessary to invest in adequate surveillance technology.

PREVENTION

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¶25. (SBU) Paragraph 28 A. The government of Nicaragua has acknowledged that trafficking is a problem in the country. Vice President Jaime Morales, former Contra leader who ran on the ticket with Daniel Ortega in the November 2006 national election, noted the importance of working with the United States government to combat trafficking during a meeting with a visiting Codel and Embassy officials in February 2007 (Ref. C). According to officials at the Public Ministry and the Federation of NGOs working for minors (FECODENI), VP Morales was instrumental in introducing reforms on anti-trafficking legislation that was approved by the National Assembly in April 2006.

¶26. (SBU) Paragraph 28 B. The Ministry of Government, which oversees the National Coalition Against Trafficking in Persons established in 2004 and controls the National Police and the Immigration Department, is the lead government agency responsible for trafficking in persons issues. The NCATIP is an inter-agency liaison office which coordinates efforts with 16 other ministries and government agencies. In addition, the Ministry of Family is responsible for assisting victims and their reintegration with families. The Foreign Ministry, National Police, and Immigration Services also provide limited assistance to Nicaraguan victims found in other countries. The Ministry of Education plays a role in increasing awareness among children, adolescents, and teachers.

¶27. (SBU) Paragraph 28 B. Continued: Within the Ministry of Labor, the National Commission for the Progressive Eradication of Child Labor and Protection of the Young Worker (CNEPTI) is the designated authority for developing and coordinating Nicaragua's national strategy for the prevention and eradication of child labor (Ref. D). CNEPTI works with other government ministries, international organizations and NGOs to coordinate programs. However, CNEPTI's effectiveness is limited by a chronic lack of support and resources from the Ministry. The Commission is often excluded from the planning, monitoring and evaluation of projects funded by international donors, preventing it from gauging the effectiveness and sustainability of projects.

¶28. (SBU) Paragraph 28 B. Continued: The police increased its network of women's police stations from 23 to 27, which investigate cases of abuse against women and children, including allegations of trafficking. The Office of the Human Rights Prosecutor has separate Special Prosecutors for Women and Children and trafficking is included in their portfolios. The Office of the National Prosecutor prosecutes trafficking cases when sufficient evidence exists, and has a specialized Women's and Children's unit dedicated to handling such cases.

¶29. (SBU) Paragraph 28 B. Continued: The GON,s National Council for the Integral Attention and Protection of Children and Adolescents (CONAPINA) directs a 10-year National Action Plan for Children and Adolescents and a five-year National Plan to combat the Commercial Sexual Exploitation of Children. (Comment: Efforts to contact CONAPINA for its input for this year,s TIP report were unsuccessful. Embassy officers learned from several sources that the government may

be terminating CONAPINA. It is not clear whether CONAPINA will be abolished or incorporated into another ministry, most likely the Ministry of Family. End Comment.)

130. (SBU) Paragraph 28 B. Continued: The director of FECODENI, one of the key NGO players involved in pressuring the National Assembly to enact anti-trafficking legislation expressed frustration with the lack of government resources obligated to the fight against trafficking. Several sources indicated that because of the inability of the GON to adequately control the trafficking situation, NGOs such as Casa Alianza, Save the Children, IOM, UNICEF, and are filling the void.⁸ The NCATIP concurred with this assessment.

131. (SBU) Paragraph 28 C. The GON, in particular the NCATIP, deserves credit for its efforts to expand anti-trafficking information and education campaigns. In November, the GON represented by the Ministry of Government and Ministry of Family implemented its first pilot "Call and Live" campaign which is being funded by the Inter American Development Bank, IOM, and the Ricky Martin Foundation. The campaign includes a youth-oriented media communications strategy to raise awareness and promote the use of a free 24-hour emergency hotline, provided by the Ministry of Family. The awareness campaign targets the Department of Chinandega considered one of the most vulnerable areas for TIP and important gateway for trafficking outside the country. Government ownership of the hotline is intended to guarantee sustainability after the international funding runs out in June. At the time the program was publicly launched in December, some government sources expressed skepticism about Ministry of Family's ability to run the hotline and provide the necessary services to support it (Ref. B). However, according to IOM, in the first two months of being operational, there have been 690 calls related to child trafficking, and 13 reports or "denunciations." No reported cases have been solved as a result of this initiative.

132. (SBU) Paragraph 28 C. Continued: The Ministry of Government continued its awareness and capacity building activities throughout the country and sponsored an education program in Granada with the Tourism Ministry to train taxi drivers and hotel owners to agree or encourage zero tolerance of commercial exploitation of children.

133. (SBU) Paragraph 28 C. Continued: The successful public information campaign sponsored by Save the Children Canada and IOM, reported in last year's TIP report, continued throughout the reporting period, and is a useful tool for educating children and youth about the threat of trafficking and information on how to prevention techniques and how to report instances of suspected trafficking. The NCATIP also reported producing spot TV ads to promote prevention and denunciation of TIP crimes with funds from the Department of State, the implementation of a notebook "Learning to Prevent Trafficking in Persons" with MECD, a communications strategy financed through a USAID regional project based in Guatemala, and the distribution of leaflets, brochures, and other public information materials, primarily aimed at boys, girls, and adolescents. NCATIP also increased efforts to promote the need to denounce or report trafficking in persons through a publicity campaign targeting highways, public spaces, schools, etc. but acknowledged that to date, it had not obtained the desired results.

134. (SBU) Paragraph 28 C. Continued: The current Minister of Government, along with the Director of Immigration, informed Embassy officers that the government stepped up prevention and detection activities by installing closed circuit television monitors at immigration centers to run anti-trafficking videos. The videos are intended to help on the prevention side by increasing awareness and warning about the dangers of human trafficking to people seeking to travel outside the country. Due to resource constraints, these televisions are available only in the Managua offices and are not set up at immigration centers along the border areas. It is estimated that during the peak travel and holiday seasons

(Christmas, Easter, patriotic celebrations, etc.), the messages reached an average of a thousand travelers per day.

¶35. (SBU) Paragraph 28 D. The Ministries of Family, Labor, Health, and Education support a variety of programs that have some impact on alleviating poverty, hunger, and poor education-underlying factors associated with trafficking, but these are not programs specifically earmarked to deal directly with trafficking in persons. Virtually all anti-trafficking programs in Nicaragua are funded by NGOs and the international donor community. While the Ministry of Labor offers programs to prevent women from resorting to prostitution, there is no government program in place specifically to prevent trafficking other than in terms of raising awareness of the phenomenon. There are no government initiatives in place to promote women's participation in economic decisionmaking, and efforts to keep children in school are not effectively enforced. The Ministry of Education under the Bolanos government implemented a program in high schools throughout Nicaragua to warn at-risk teenagers about trafficking and to encourage denunciations. It also was a factor in helping raise awareness about the incidence of trafficking and educating parents about the importance of prevention among people who had no previous knowledge of the existence of the problem. The Ministry of Education also conducted another program aimed at training and sensitizing teachers to recognize and properly handle cases of child sexual exploitation of any type.

¶36. (SBU) Paragraph 28 D. Continued: Although the Ortega government has made pledges to strengthen education and access to healthcare, and now provides free public education for primary and secondary grades, education is not compulsory in Nicaragua. Given the rate of poverty in Nicaragua, many families are so poor they cannot afford basic school supplies, and some rely on the income the children earn to survive. There were reports that some families who cannot afford shoes for their children will not send them to school. If the state cannot adequately provide supplies, facilities, and trained educators, one public official asserted, it would be "perverse" to obligate parents to send their children to school.

¶37. (SBU) Paragraph 28 E. Government officials dedicated to the TIP cause, NGOS, civil society, churches, and ot